

Chapter 50

SOLID WASTE*

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Sec. 50-100. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business means any person, partnership, corporation, institution, or other entity operating in Cumberland County. This definition excludes businesses with home occupation permits.

Collection system, business property means a system which includes the following components: (a) receptacles for individual employees and/or centrally located receptacles expressly for the collection and storage of recyclable materials separated by employees; (b) a contract with a hauler for collection of the recyclable materials and transport to a recycling processor or end-user, or proof of self-haul to a recycling facility; and (c) educational materials to inform employees of how to properly use the collection receptacles.

Collection system, multiple-family dwelling means a system which includes the following components: (a) at-the-unit or centrally located receptacles expressly for the collection and storage of recyclable materials separated by tenants; (b) a contract with a hauler for collection of the recyclable materials and transport to a recycling processor or end-user, or proof of self-haul to a recycling facility; and (c) educational materials to inform tenants of how to properly use the collection receptacles.

DPW means the Cumberland County Department of Public Works.

Glass bottles and jars means bottles and jars of clear, brown or green color, with caps and lids removed. Expressly excluded are any other glass products such as window glass, mirrors, drinking glasses, and others.

Hauler means any person, partnership, corporation, or other public or private entity that collects and/or transports recyclable materials in Cumberland County.

Metal food and beverage cans means beverage cans made entirely of aluminum, bi-metal food and beverage cans made of steel and tin bodies and aluminum tops, and food and beverage cans made of steel with an interior and/or exterior coating of tin.

Multiple-family dwelling means a building, or portion thereof, designed for occupancy by three (3) or more families living independently, or a town house not individually metered for water. Home occupation permitted businesses operating from such dwellings are subject to the multiple-family requirements of this article.

Newspaper means newsprint-grade paper which is printed and distributed daily or weekly that contains news. For participants in the county curbside collection program this is further defined to include all insert materials provided with the newspaper.

Plastic bottles and jugs means plastic beverage, laundry and other containers with necks of narrower diameter than the bodies, and with caps removed. Expressly excluded are containers that held automotive products or toxic or hazardous materials.

Principal recyclable materials (PRMs) means as designated by the Commonwealth of Virginia: newspaper, ferrous scrap metal, nonferrous scrap metal, used motor oil, corrugated cardboard/kraft paper, container glass, aluminum, high-grade office paper, tin cans, cloth, automobile bodies, plastic, clean wood, brush, leaves, grass, and other arboreal material.

Responsible party means for a multiple-family dwelling, the term "responsible party" shall mean the owner, manager, or agent responsible for the management and disposal of solid waste generated at that property. For a business, the term "responsible party" shall mean the business or property owner, manager or agent and, if different, the party responsible for the management and disposal of solid waste generated at that business.

Sec. 50-101. Requirements for materials to be collected.

As of July 1, 2009:

(A) The responsible party of each multiple-family dwelling must establish a separate system from refuse collection for the collection of newspapers, glass bottles and jars, and metal food and beverage cans from all tenants of that property. Each new multiple-family dwelling property that is occupied after July 1, 2009, is required to establish a collection system within ninety (90) days from the first date of occupancy by a tenant.

(B) The responsible party of each business must establish a separate system from refuse collection for the collection of the two (2) principal recyclable materials (PRMs) that the business generates annually in the greatest quantities. In multi-tenant commercial properties in which individual businesses do not manage their own solid waste, the two (2) PRMs are determined on the basis of the property's combined waste stream. Each new business that begins operations after July 1, 2009, is required to establish a collection system within ninety (90) days after receiving a Cumberland County Certificate of Occupancy.

Sec. 50-102. Reporting requirements.

(A) Implementation plans. The responsible party for each multiple-family dwelling and the responsible party and business owner, if different, for each business or industrial property are required to submit an implementation plan to DPW by April 1, 2009. Forms for this plan will be sent by DPW to each multiple-family dwelling and business address. The responsible party for each new multiple-family dwelling that is occupied after July 1, 2009, is required to submit this plan within thirty (30) days from the date of first occupancy by a tenant. The responsible party and business owner, if different, of each new business that begins operations after July 1, 2009, are required to submit this plan within thirty (30) days after receipt of a Cumberland County Certificate of Occupancy. The implementation plan must be approved by DPW to comply with the terms of this article. If the implementation plan is rejected by DPW, the submitting party has thirty (30) days from notification of the rejection to submit a revised plan for approval.

(B) Residential reports. The responsible party for each multiple-family dwelling are required to submit a report annually to DPW by March 1st for the recycling activities during the previous calendar year. The first report is due March 1, 2010. Forms for this report will be sent by DPW to each multiple-family dwelling and business address.

(C) Non-residential reports. The responsible party and business owner, if different, of each business or industrial property shall annual submit a report by March 1 for the previous calendar year, such nonproprietary information regarding waste generation, waste management, and recycling as is necessary to facilitate County compliance with regulations adopted pursuant to Virginia Code, Section 10.1-1411. All reports required by this section shall be based on volume or weight of each material recycled, provided that where such measurements cannot be accurately determined, the report may be based on carefully estimated data. Where estimates are submitted, they must contain sufficient detail to reasonably describe how the estimate was prepared, including but not limited to such data as container volume, frequency of collection, percent full when

collected, and the type of material collected for recycling. When information is withheld as proprietary, the report shall specify the nature of the information withheld and the basis for its proprietary determination. Annual recycling reports shall be submitted on a standardized form to be provided by the DPW, and shall be signed by a responsible company official. Said reports shall include but not be limited to the name and address of the reporting entity, period of time covered by the report, and type and weight/volume of each material reported. Supporting documentation used in preparation of the report shall be retained for audit and clarification of reported data for a period of two (2) years following submissions of said report.

(D) Hauler reports. Each company that collects or transports recyclable materials in Cumberland County is required to submit an annual report to the DPW documenting the tonnage of materials it collected from businesses and multiple-family dwellings in Cumberland County. This report must be submitted by March 1st of each year for materials collected during the preceding calendar year, with the first report due March 1, 2010. Forms for this report will be sent by the DPW to each hauler. Each hauler is required to provide a list of its Cumberland customers with this report.

Sec. 50-103. Adaptations for materials.

(A) Criteria. Limited adaptations, as set forth below, may be approved by the county administrator or their designee. Applications for an adaptation from the requirements of section 50-101 shall be submitted to the county administrator on county forms. An adaptation may be allowed where compliance with the Ordinance would result in unnecessary hardship to the applicant and the need for an adaptation would not be shared generally by other applicants, provided such an adaptation is not contrary to the intended spirit and purpose of this article and would result in substantial justice being done. All adaptations are to be construed as temporary, for a period not to exceed one (1) year, and shall be considered withdrawn on the first to occur of (a) a change in the condition(s) which prompted the adaptation, or (b) the expiration of the time period granted in the adaptation. Should an adaptation be withdrawn because the time period has expired, an applicant may apply for renewal of the adaptation. Application forms are available from the county administrator's office. Applications are evaluated against the following criteria:

1. Incompatibility of compliance with the requirements of this article and compliance with other Cumberland County ordinances or other laws;
 2. Unavailability of collectors or acceptors (defined as licensed haulers of recyclable materials or intermediate or final processors of recyclable materials) for one (1) or more of the required recyclable materials;
 3. Unavailability of on-site space for the preparation and temporary storage of one (1) or more of the required recyclable materials;
 4. Extreme disparity between the applicant's costs of recycling one (1) or more of the required materials and the costs of disposal of the same material(s); or
 5. Negligible generation rates of one (1) or more of the required recyclable materials.
- The county administrator or their designee will consider these criteria in evaluating the application and will consider the compliance rate, implementation plans, and recycling

programs of similar businesses in Cumberland County. The county administrator or their designee will direct the DPW staff to make a site visit and prepare a report on the applicant's property.

(B) Actions. After reviewing the information described in (A) above, the county administrator or their designee will take one (1) of the following actions:

- (1) Grant an adaptation that requires the applicant to recycle alternative materials identified by the DPW director;
- (2) Grant an adaptation that reduces the number of types of materials required to be recycled; or
- (3) Deny the request for an adaptation.

Sec. 50-104. Penalties.

Any responsible party violating any provision of this article shall be issued a notice of violation and given thirty (30) days to correct the violation. If such violation has not been corrected within thirty (30) days the responsible party will be notified that it will be subject to a fine of up to three hundred dollars (\$300.00), such fine to become effective no earlier than October 1, 2009, by the DPW unless the identified violations are corrected within fifteen (15) days. If the responsible party fails to correct the violation within fifteen (15) days, the responsible party will be fined up to three hundred dollars (\$300.00) for each day such violation continues.

Sec. 50-105. Right to appeal notices and fines.

Upon service of a notice of violation or fine as provided in section 50-104, the responsible party or business owner shall have the right to appeal such notice or fine and shall be granted a hearing before the county administrator or their designee, provided that a written appeal and request for hearing is received by the county administrator within five (5) working days after service of the notice. Upon receipt of such an appeal or request, the county administrator or their designee shall advise the appellant of the time and place of the hearing, shall convene the hearing, shall consider the evidence, and shall render a decision in writing and provide a copy to the appellant within fifteen (15) working days following the hearing.

Sec. 50-106. Removal of recyclable materials.

It shall be unlawful for any person to salvage or otherwise remove any recyclable materials from private recycling containers, Cumberland County recycling centers, or any other County solid waste management facility without the written authorization of the DPW.